

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/651,209	MESSINA, MARK ANTHONY	
	Examiner	Art Unit	
	Robert J. Sandy	3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 5/23/2005 and phone interview of 8/4/2005.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ The drawings filed on 29 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20050805</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                     | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____.   |

EA

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian A. Tollefson (Reg. No. 46,338 on 04 August 2005..

The application has been amended according to the following clean copy:  
In the claim(s);

**Claim 16 has been amended as follows:**

Claim 16 (currently amended). A clamp comprising:

a means for providing a clamping force comprising:

means for contracting or expanding the clamping force means along an

arc; and

an actuating means for controlling an amount of circumferential contraction of

said clamping force arm means to generate said clamping force.

**Claims 29-39 have been canceled.**

Claims 29-39 have been canceled accordingly since these claims were to drawn to a non-elected species without traverse.

### EXAMINER'S COMMENT/REASONS FOR ALLOWANCE

Claims 1-28 are allowed over the prior art of record.

In combination with Applicant's amendment filed 23 May 2005 and the Examiner's amendment set forth herein, the claim rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, and 102(b) indicated in the Office action each have been withdrawn.

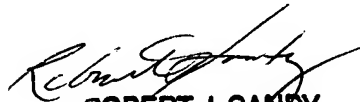
Applicant's amendment to claim 1 to further define the claimed clamp to require wherein the angular extend of the spring arm is less than 360 degrees of arc, is not found or suggested in the prior art of record.

Currently amended claim 16 has been amended to comply and properly invoke 35 U.S.C. §112, paragraph 6, as applicant has stated in the remarks on page 17 of the reply filed on 23 May 2005. The means plus function phrase of "means for contracting or expanding the clamping force means along an arc" corresponds to the structure in paragraph 0020 of the specification, as applicant's has pointed out in the filed remarks stating corresponding structure being "spring arm 53 is disclosed, which has an arc section and first and second ends (54, 56) separated by a gap. See Fig. 3. The angular extent 53 must be less than 360 degrees (and therefore has a gap between its ends) so that the spring arm 52 can be contracted. See paragraph 0020." Claim 12 has been indicated as allowed and the reasons for allowance has been set forth in the prior Office action mailed 22 February 2005. Hence, the combination of structural features required of the claimed clamp in claim 16 has not been found or suggested in the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**